

### **REMARKS**

Reconsideration and withdrawal of the *Ex parte Quayle* Action and consideration and entry of this paper are respectfully requested in view of the herein remarks and accompanying information, which place the application in condition for allowance.

#### **I. STATUS OF CLAIMS AND FORMAL MATTERS**

No claims are currently under consideration, as prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. Claims 1 and 10 are amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. The amendments are to clarify the features of the electrode device and the place where the electrode layer is formed. No new matter is added.

The Examiner is thanked for indicating that the application is in condition for allowance except for these formal matters.

#### **Objection to the claims**

The *Ex parte Quayle* Action objected to claims 1 and 10 for reciting “said electrode device having the following respective features” (emphasis added). The *Ex parte Quayle* Action requested that language such as “further comprising,” “further consisting,” or the like, be used. The *Ex parte Quayle* Action also objected to the recitation of “is in a non-joined state” in claim 1, as the phrase does not appear to properly connect with the description of the “place where the electrode layer is formed.”

In response, Applicants draw attention to the instant claims, wherein claims 1 and 10 recite “said electrode device comprising the following respective features” (emphasis added), which is considered as acceptable claim language according to the *Ex parte Quayle* Action. In addition, instant claim 1 recites “wherein said place is in a non-joined state,” which indicates that the place where the electrode layer is formed is in a non-joined state.

Accordingly, reconsideration and withdrawal of the objection to the claims is respectfully requested.

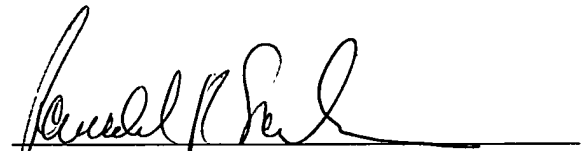
**CONCLUSION**

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read 'Ronald R. Santucci', is written over a horizontal line.

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